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No. 73

Senate

The Senate met at 9:15 a.m. and was called to order by the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire.

PRAYER

The guest Chaplain, Dr. Gerald L. Durley, offered the following prayer:

Eternal and Almighty God, we have entered this hallowed Chamber to seek Your guidance, wisdom, and protection. We have come to lift up those who have been elected, appointed and anointed to complete the will of Your people. Their task is not easy. It is fraught with frustrating disappointments, stalled moments of doubt, hurts and pain. We therefore reverently request to approach Your sovereign throne to ask You to individually and collectively pour Your omniscience upon the Members of this distinguished body of legislators.

Dear God, I am reminded of a time when one of Your servants told his cousin that she was "called to represent her people and that her time is now." (Esther 4:14). We pray this morning, Father, that You will assist these Senators to act on behalf of a nation which not only believes in Your supreme desire to have justice reign but also in Your immutable ability to heal our country economically, educationally, sociologically, and politically. We trust that You will guide these emissaries with Your Divine knowledge.

On this beautiful spring day we would ask that You gently touch each Senator's physical body where ailments and sickness have taken their toll; give each of them the strength to endure the various debates of differences; speak to each of their families in such a way that they will understand and appreciate the unselfish sacrifices which these modern day patriots are experiencing.

Dear Father, give them the patience to persist; the tolerance to prevail; the ability to forgive; and the wisdom to place Your Spirit with love as the foun-

ation for their daily living. Assure each person, under the sound of my voice, that their individual solos are unique; however, their collective voices create a harmonious choir which will then be well pleasing unto You, and to the people of this great Nation. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN E. SUNUNU led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 15, 2003.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN E. SUNUNU, a Senator from the State of New Hampshire, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. SUNUNU thereupon assumed the chair as Acting President pro tempore.

JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1054, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1054) to provide for reconciliation pursuant to section 201 of the concurrent resolution on the budget for fiscal year 2004.

Pending:

Grassley amendment No. 555, to increase the criminal monetary penalty limitation

for the underpayment or overpayment of tax due to fraud.

Dorgan/Baucus amendment No. 556, to repeal the 1993 income tax increase on Social Security benefits and to offset the revenue loss.

Specter amendment No. 569, to urge the Senate Finance Committee and the Joint Economic Committee to hold hearings and consider legislation providing for a flat tax.

Baucus amendment No. 570, to ensure that the limit on refundability shall not apply to the additional \$400 child credit for 2003, to make the dividend exclusion effective for taxable years beginning in 2003, and to eliminate the increase in the dividend exclusion from 10 percent to 20 percent of dividends over \$500.

Kennedy amendment No. 544, to provide for additional weeks of temporary extended unemployment compensation and to provide for a program of temporary enhanced regular unemployment compensation.

Lincoln amendment No. 578, to expand the refundability of the child tax credit.

Cantwell amendment No. 577, to permanently extend and modify the research and experimentation tax credit and strike the partial exclusion of dividends provision.

Jeffords amendment No. 587, to accelerate the elimination of the marriage penalty in the earned income credit.

Bunning/McConnell amendment No. 589, to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

Burns amendment No. 593, to amend the Internal Revenue Code of 1986 to allow the expensing of broadband Internet access expenditures.

Grassley amendment No. 594, to amend title XVIII of the Social Security Act to enhance beneficiary access to quality health care services in rural areas under the Medicare Program.

Harkin amendment No. 595, to help rural health care providers and hospitals receive a fair reimbursement for services under Medicare by reducing tax cuts regarding dividends.

Collins amendment No. 596, to provide temporary State and local fiscal relief.

Murray amendment No. 564, to provide temporary State fiscal relief.

Stabenow amendment No. 614, to ensure the enactment of a Medicare prescription drug benefit.

Warner modified amendment No. 550, to amend the Internal Revenue Code of 1986 to

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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increase the above-the-line deduction for teacher classroom supplies and to expand such deduction to include qualified professional development expenses.

Voinovich amendment No. 592, to establish a blue ribbon commission on comprehensive tax reform.

Graham of Florida amendment No. 617, in the nature of a substitute.

Kyl amendment No. 575, to further enhance the denial of deduction for certain fines, penalties, and other amounts.

Landrieu amendment No. 619, in the nature of a substitute.

Landrieu amendment No. 620, to provide pay protection for members of the Reserve and the National Guard.

Landrieu amendment No. 621, to amend the Internal Revenue Code of 1986 to allow employers in renewal communities to qualify for the renewal community employment credit by employing residents of certain other renewal communities.

Ensign amendment No. 622, to encourage the investment of foreign earnings within the United States for productive business investments and job creation.

Schumer amendment No. 557, to amend the Internal Revenue Code of 1986 to make higher education more affordable.

Conrad amendment No. 611, to make the child tax credit acceleration applicable to 2002.

Baucus, for McCain, amendment No. 612, to add the provisions of the Armed Forces Tax Fairness Act of 2003.

AMENDMENT NO. 589

The ACTING PRESIDENT pro tempore. There are now 2 minutes evenly divided before a vote on the Bunning amendment. Who yields time?

The Senator from Kentucky.

Mr. BUNNING. I will be very brief. This amendment was discussed pretty thoroughly yesterday. This sets a date certain for a vote on the reduction of the tax on the Social Security seniors from 85 to 50 percent; that we report a bill out no later than July 1, 2003; and that the bill should be acted on no later than September 30, 2003, consistent with the preservation of the Medicare trust fund.

Under the provisions of section 904 of the Congressional Budget Act of 1974, I move to waive the point of order against the pending amendment and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, has the proponent of this amendment any time remaining? Have we completed the time remaining to speak in favor of the amendment?

The ACTING PRESIDENT pro tempore. There remains a minute in opposition.

Mr. BAUCUS. Is there any time remaining to speak for the amendment?

The ACTING PRESIDENT pro tempore. No.

Mr. BAUCUS. Mr. President, I am going to vote for this amendment. I think all Senators should realize this is really a cover amendment. This is an amendment which allows Senators to not do the real thing. What is the real thing? The real thing is a vote for the Dorgan amendment which is next. The Dorgan amendment provides that Social Security taxes on 85 percent of Social Security benefits are not taxable. That is the real thing. The current amendment before us is a sense of the Senate. It is a cover amendment. I am going to support it. I think all Senators should support it. But the real test is the next amendment. If Senators vote for this amendment, if they want to reduce Social Security taxes, they should vote for the Dorgan amendment because that is the real amendment. That is the one that counts.

I yield the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I withdraw my motion to waive the point of order since none has been made against the amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The question is on agreeing to the amendment.

Mr. BUNNING. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The clerk will call the roll.

The senior assistant bill clerk called the roll.

The result was announced—yeas 98, nays 2, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—98

Akaka	Dodd	Lincoln
Alexander	Dole	Lott
Allard	Domenici	Lugar
Allen	Dorgan	McCain
Baucus	Durbin	McConnell
Bayh	Edwards	Mikulski
Bennett	Ensign	Miller
Biden	Enzi	Murkowski
Bingaman	Feingold	Murray
Bond	Feinstein	Nelson (FL)
Boxer	Fitzgerald	Nelson (NE)
Breaux	Frist	Nickles
Brownback	Graham (FL)	Pryor
Bunning	Graham (SC)	Reed
Burns	Grassley	Reid
Byrd	Gregg	Roberts
Campbell	Hagel	Rockefeller
Cantwell	Harkin	Santorum
Carper	Hatch	Sarbanes
Chafee	Hutchison	Schumer
Chambliss	Inhofe	Sessions
Clinton	Inouye	Shelby
Cochran	Jeffords	Smith
Coleman	Johnson	Snowe
Collins	Kennedy	Specter
Conrad	Kerry	Stabenow
Cornyn	Kohl	Stevens
Corzine	Kyl	Sununu
Craig	Landrieu	Talent
Crapo	Lautenberg	Thomas
Daschle	Leahy	Warner
Dayton	Levin	Wyden
DeWine	Lieberman	

NAYS—2

Hollings Voinovich

The amendment (No. 589) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 556

The ACTING PRESIDENT pro tempore. There are now 2 minutes equally divided prior to the next vote.

Mr. DORGAN. Mr. President, the next vote is on the amendment that actually does what the previous amendment says the sense of Senate should do. If you really believe with the sense of the Senate that we should do this, the question is, Do you believe we should do it now? The question here, it seems to me, is one of priorities. If 8 million senior citizens are paying \$1,500 more in taxes because of the change in 1993 and you want to repeal that change, then this particular amendment will reduce taxes for those 8 million Americans.

Is this a greater priority than the issue of dividends and other issues in this bill? In my judgment, this is a greater priority. If you really believe you want to cut taxes for 8 million senior citizens by \$18 billion, now is the time to do that. Now is the time to make the change to do that. If you choose not to, it is really hard to say you support this kind of a change.

The ACTING PRESIDENT pro tempore. Who yields time in opposition?

Mr. GRASSLEY. Mr. President, this amendment is designed to kill the growth package. It would eliminate the acceleration of all individual income tax rate reductions, and it would eliminate the entire dividend exclusion.

What is also interesting about this amendment is that our colleagues on the other side of the aisle who are solely responsible—

The ACTING PRESIDENT pro tempore. The Senate will be in order.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the bottom line is that this tax on Social Security income is as high as it is because, in 1993, all except one Senator now serving on the other side of the aisle imposed a tax in the first place. I believe we should have an opportunity to repeal this tax. However, as my colleagues are aware, the revenue from this tax goes into the Medicare hospital fund without other changes in Medicare. Repealing this tax would bankrupt the Medicare trust fund. We should consider this in light of other Medicare legislation, and it ought to be done in the Finance Committee.

This language is not germane to the measure now before the Senate. Therefore, I raise a point of order under section 305(b)(2) of the Congressional Budget Act of 1974.

Mr. DORGAN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FRIST. Mr. President, I want to make a couple of comments on the schedule for today which I did not have the opportunity to make this morning.

We just had our first vote in what will be a very long day with a lengthy series of votes. Hopefully, we can do as much as possible to shorten that list over the course of the day and certainly not add to it too much.

I want to ask all of our Members to stay close to the Chamber. We will be starting, with this vote, 10-minute votes, and that will be enforced. It will be the only way we can get through this bill in this so-called vote-arama. I know it is going to be tough in terms of everybody's schedules today. I would go ahead and talk to your schedulers and let them know we have these votes every 10 minutes.

Following passage of this bill later today, we will proceed directly to the global HIV/AIDS bill. We will work that bill through tonight, and hopefully finish that bill tonight. If we complete that bill tonight, Members can expect no rollcall votes tomorrow. The objective will be to complete the jobs and growth package today, start on the HIV/AIDS bill, and hopefully finish today. If so, we will not have votes tomorrow.

Again, I ask Members to stay close to the Chamber and the 10-minute votes will be enforced.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 49, nays 51, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—49

Akaka	Dorgan	Levin
Baucus	Durbin	Lieberman
Bayh	Edwards	Lincoln
Biden	Feingold	Mikulski
Bingaman	Feinstein	Murray
Boxer	Graham (FL)	Nelson (FL)
Breaux	Harkin	Pryor
Byrd	Hollings	Reed
Campbell	Inouye	Reid
Cantwell	Jeffords	Rockefeller
Carper	Johnson	Sarbanes
Clinton	Kennedy	Schumer
Conrad	Kerry	Snowe
Corzine	Kohl	Stabenow
Daschle	Landrieu	Wyden
Dayton	Lautenberg	
Dodd	Leahy	

NAYS—51

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Fitzgerald	Nickles
Brownback	Frist	Roberts
Bunning	Graham (SC)	Santorum
Burns	Grassley	Sessions
Chafee	Gregg	Shelby
Chambliss	Hagel	Smith
Cochran	Hatch	Specter
Coleman	Hutchison	Stevens
Collins	Inhofe	Sununu
Cornyn	Kyl	Talent
Craig	Lott	Thomas
Crapo	Lugar	Voinovich
DeWine	McCain	Warner

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 49, the

nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. GRASSLEY. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 555

The ACTING PRESIDENT pro tempore. There will be 2 minutes evenly divided on the next amendment.

Who yields time?

The Senator from Iowa.

The Senator will suspend. The Senate will come to order. The Senate will be made aware that votes will be limited to 10 minutes. There are 23 amendments that remain pending which we want to complete in an orderly fashion.

Mr. GRASSLEY. Mr. President, I don't care if anybody listens to me, but it would be nice if everybody would shut up so you don't have to go through that 10 times today.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized for 1 minute.

Mr. GRASSLEY. Mr. President, I am pleased to work with Senator BAUCUS to strengthen criminal tax penalties. We have seen in Enron-type corporation scandals that there is no end to the cleverness of con artists in the corporate world. The con artists will even pay a little tax to cover up their deception. Then after the fraud, the corporation asks for its money back.

This amendment will ensure the corporate con artists pay full freight for their crime of duping shareholders and workers.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, obviously this is a good amendment. Also, when I finish speaking, I will offer an amendment in the second degree, which has been cleared on the other side, essentially to bring the criminal provisions in the Tax Code up to date with the Sarbanes-Oxley criminal provisions. The Sarbanes-Oxley bill did not address the criminal tax provisions because that was not a tax bill. We do address it here.

I urge adoption, by voice vote, actually, of both amendments.

I yield back the remainder of my time.

AMENDMENT NO. 624 TO AMENDMENT NO. 555

Mr. President, I ask unanimous consent to call up my second-degree amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Montana [Mr. BAUCUS] proposes an amendment numbered 624 to amendment No. 555.

Mr. BAUCUS. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the criminal penalties for fraud and false statements)

On page 2, strike line 13 and insert:

(b) INCREASE IN PENALTIES.—

(1) ATTEMPT TO EVADE OR DEFEAT TAX.—Section 7201 is amended—

(A) by striking "\$100,000" and inserting "\$250,000",

(B) by striking "\$500,000" and inserting "\$1,000,000", and

(C) by striking "5 years" and inserting "10 years".

(2) WILLFUL FAILURE TO FILE RETURN, SUPPLY INFORMATION, OR PAY TAX.—Section 7203 is amended—

(A) in the first sentence—

(i) by striking "misdemeanor" and inserting "felony", and

(ii) by striking "1 year" and inserting "10 years", and

(B) by striking the third sentence.

(3) FRAUD AND FALSE STATEMENTS.—Section 7206(a) (as redesignated by subsection (a)) is amended—

(A) by striking "\$100,000" and inserting "\$250,000",

(B) by striking "\$500,000" and inserting "\$1,000,000", and

(C) by striking "3 years" and inserting "5 years".

(c) EFFECTIVE DATE.—The amendments made by

Mr. BAUCUS. Again, this is the amendment I earlier referred to, and I urge all Senators to vote for it.

The ACTING PRESIDENT pro tempore. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 624) was agreed to.

VOTE ON AMENDMENT NO. 555, AS AMENDED

The ACTING PRESIDENT pro tempore. The question is on agreeing to the Grassley amendment No. 555, as amended.

The amendment (No. 555), as amended, was agreed to.

Mr. GRASSLEY. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 569

The ACTING PRESIDENT pro tempore. There are now 2 minutes evenly divided prior to a vote on the Specter amendment.

Who yields time?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, if I may have the attention of my colleagues, this is a sense-of-the-Senate amendment which calls upon the Finance Committee and the Joint Economic Committee to undertake a study on tax simplification, with the view to presenting a report to the Senate on a flat tax.

The complexities of the Internal Revenue Code are well known. Even Albert Einstein said he could not understand the Internal Revenue Code. We spend billions of hours, billions of dollars on the complexities of filling out the tax

returns. This flat tax would enable us to file a return within a few minutes on a postcard.

This amendment does not commit the Senate to a flat tax, but it only calls upon relevant committees to conduct a study. There has never been a study of a flat tax. This amendment, cosponsored by Senator GRASSLEY and Senator BENNETT—and I think agreed to; we will soon hear from Senator BAUCUS—will be a significant step forward.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Who seeks time in opposition?

The Senator from Montana.

Mr. BAUCUS. Mr. President, I think it is a good idea to set up some kind of a body or commission to see if we can simplify the code, knowing that it is a daunting task. Nevertheless, we should try, including looking at the flat tax proposal that has been suggested by several Senators and other observers over the years. But at least let's give it a try. We can certainly improve upon the code we now have.

I urge its adoption.

The ACTING PRESIDENT pro tempore. Is there further debate?

The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I ask unanimous consent to be added as a cosponsor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The question is on agreeing to amendment No. 569.

The yeas and nays have been ordered.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

The result was announced—yeas 70, nays 30, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—70

Alexander	Dole	McCain
Allard	Domenici	McConnell
Allen	Ensign	Miller
Baucus	Enzi	Murkowski
Bayh	Feingold	Nelson (FL)
Bennett	Feinstein	Nelson (NE)
Biden	Fitzgerald	Nickles
Bond	Frist	Reid
Breaux	Graham (SC)	Roberts
Brownback	Grassley	Santorum
Bunning	Gregg	Sessions
Burns	Hagel	Shelby
Byrd	Harkin	Smith
Campbell	Hatch	Snowe
Carper	Hollings	Specter
Chafee	Hutchison	Stevens
Chambliss	Inhofe	Sununu
Cochran	Jeffords	Talent
Coleman	Kohl	Thomas
Collins	Kyl	Thomas
Cornyn	Landrieu	Voinovich
Craig	Leahy	Warner
Crapo	Lott	Wyden
DeWine	Lugar	

NAYS—30

Akaka	Dorgan	Lieberman
Bingaman	Durbin	Lincoln
Boxer	Edwards	Mikulski
Cantwell	Graham (FL)	Murray
Clinton	Inouye	Pryor
Conrad	Johnson	Reed
Corzine	Kennedy	Rockefeller
Daschle	Kerry	Sarbanes
Dayton	Lautenberg	Schumer
Dodd	Levin	Stabenow

The amendment (No. 569) was agreed to.

AMENDMENT NO. 570

The PRESIDING OFFICER. There will now be 2 minutes of debate on the next amendment, the Baucus amendment.

Mr. BAUCUS. Mr. President, this is essentially what I call a "more stimulus now" amendment. It has two provisions. One, it accelerates the year in which the dividend exclusion is effective. Under the committee bill, the dividend exclusion does not come into effect until 2004, which basically means most taxpayers are not going to receive the benefit until 2005 when they file their tax returns. All this takes effect in 2003 in my amendment, as well as the 10 percent. We are going to stimulate the economy.

In addition, there is acceleration of the child tax credit. The amendment provides the full \$400 be sent to those who qualify for the additional child tax credit, and that is based on the 2002 returns. If they qualify in 2002, they are entitled to the full \$400 check in 2003. To avoid the problem we faced in the 2001 bill, where sometimes they got \$300 and sometimes not, this will speed that up.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I appreciate Senator BAUCUS' efforts. We, in this bill, have tried to balance investment and spending incentives. This bill already provides \$95 billion for children and the child tax credit. The bill includes acceleration of the credit for low-income families, whom Senator BAUCUS seeks to help.

In addition, I believe the market will benefit more from the proposal contained in the bill because of how we have approached it in a balanced effort. However, I do thank the Senator for his efforts.

I have to raise a point of order. The pending amendment offered by the Senator from Montana increases mandatory spending and, if adopted, would cause the underlying bill to exceed the committee's section 302(a) allocation. Therefore, I raise a point of order against the amendment pursuant to section 302(f) of the Congressional Budget Act of 1974.

Mr. BAUCUS. Mr. President, pursuant to section 904 of the Congressional Budget Act, I move to waive the applicable section of that act in the budget resolution for the consideration of the pending amendment and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 47, nays 53, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—47

Akaka	Dorgan	Levin
Baucus	Durbin	Lieberman
Bayh	Edwards	Lincoln
Biden	Feingold	Mikulski
Bingaman	Feinstein	Murray
Boxer	Graham (FL)	Nelson (FL)
Breaux	Harkin	Nelson (NE)
Byrd	Inouye	Pryor
Cantwell	Jeffords	Reed
Carper	Johnson	Reid
Clinton	Kennedy	Rockefeller
Conrad	Kerry	Sarbanes
Corzine	Kohl	Schumer
Daschle	Landrieu	Stabenow
Dayton	Lautenberg	Wyden
Dodd	Leahy	

NAYS—53

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Ensign	Murkowski
Bennett	Enzi	Nickles
Bond	Fitzgerald	Roberts
Brownback	Frist	Santorum
Bunning	Graham (SC)	Sessions
Burns	Grassley	Shelby
Campbell	Gregg	Smith
Chafee	Hagel	Snowe
Chambliss	Hatch	Specter
Cochran	Hollings	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Talent
Cornyn	Kyl	Thomas
Craig	Lott	Thomas
Crapo	Lugar	Voinovich
DeWine	McCain	Warner

The motion was rejected.

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 47, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. GRASSLEY. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 544

The ACTING PRESIDENT pro tempore. It is now in order to consider amendment No. 544, the Kennedy amendment. There will be 2 minutes equally divided on each side.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we are involved in a debate between Republicans and Democrats about how to get the economy going, but there is one reality, and that is that we have stagnation at the present time.

There is one lifeline for millions of hard-working Americans who paid into the unemployment compensation fund, and that is to extend the unemployment compensation benefits.

Today there are 18,000 Iraqi veterans who are on unemployment compensation, and that number is increasing every single week. We are talking about funds that have been paid into that fund by these workers. They are entitled in a time of difficulty and challenge to get that money back to help them meet their mortgage, put food on the table, and take care of their children.

The American people understand fairness, and they understand, on the one hand, if we are going to provide billions for the wealthiest individuals in

this country, we ought to look out for hard-working men and women who have played by the rules, worked hard all their lives, have paid into that fund, and now need that assistance. This is what that amendment does.

In the last 10 years, we have extended unemployment compensation benefits seven times. It has been extended by Republican Presidents, and we ought to do it today.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Who yields time? The Senator from Iowa.

Mr. GRASSLEY. Mr. President, as I said yesterday, we are willing to extend current unemployment benefits. We are willing to do it before the end of the week. In fact, yesterday I offered a unanimous consent request to accomplish this, and it was rejected on the other side.

We have Senator MURKOWSKI standing by ready to offer a unanimous consent request to extend unemployment benefits. This amendment is overreaching. This amendment would go way beyond anything we have done on unemployment at a level of 6 percent right now. In fact, this makes it as high as when unemployment was at 8 percent. We are asked to deal with an amendment that goes way too far to score political points. That is why it should be rejected.

I raise the point on this amendment that the language is not germane to the measure before the Senate. Therefore, I raise a point of order under section 305(b)(2) of the Congressional Budget Act of 1974.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Colorado (Mr. ALLARD) is necessarily absent.

The PRESIDING OFFICER (Mr. ALEXANDER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 50, nays 49, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—50

Akaka	Clinton	Graham (FL)
Baucus	Conrad	Harkin
Bayh	Corzine	Hollings
Biden	Daschle	Inouye
Bingaman	Dayton	Jeffords
Boxer	Dodd	Johnson
Breaux	Dorgan	Kennedy
Byrd	Durbin	Kerry
Campbell	Edwards	Kohl
Cantwell	Feingold	Landrieu
Carper	Feinstein	Lautenberg

Leahy	Nelson (FL)	Sarbanes
Levin	Nelson (NE)	Schumer
Lieberman	Pryor	Specter
Lincoln	Reed	Stabenow
Mikulski	Reid	Wyden
Murray	Rockefeller	

NAYS—49

Alexander	Domenici	Miller
Allen	Ensign	Murkowski
Bennett	Enzi	Nickles
Bond	Fitzgerald	Roberts
Brownback	Frist	Santorum
Bunning	Graham (SC)	Sessions
Burns	Grassley	Shelby
Chafee	Gregg	Smith
Chambliss	Hagel	Snowe
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Talent
Cornyn	Kyl	Thomas
Craig	Lott	Thomas
Crapo	Lugar	Voinovich
DeWine	McCain	Warner
Dole	McConnell	

NOT VOTING—1

Allard

The PRESIDING OFFICER. On this vote, the yeas are 50 and the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 578

The PRESIDING OFFICER. There are now 2 minutes evenly divided prior to a vote on the Lincoln amendment. Who yields time?

The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, may I inquire how much time I have?

The PRESIDING OFFICER. One minute.

Mrs. LINCOLN. Mr. President, I hope everyone in this Chamber will agree that raising children is probably one of the most important and expensive undertakings in which we have all engaged. I hope we will also agree in this Chamber that the face of our country tomorrow will be shaped by how well we raise our children today, and that is not just our children, it is everyone's children.

That is why I think my amendment is so important. Eight million children from working families at the very bottom of the income scale get no benefit from the child tax credit, but 4.4 million of those 8 million children would begin to get a benefit from the child benefit under the Lincoln amendment.

By providing tax relief to those who need it the most, the Lincoln amendment will have a direct and meaningful stimulative effect on the economy. These families with children play by the rules. They go to work each day at extremely low wage jobs. They pay significant payroll, State, local excise taxes, maybe even property taxes. They struggle to make ends meet, yet they get no benefit from the child tax credit in this bill.

On behalf of the children of this Nation, I encourage my colleagues to support this amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the Senator from Arkansas has done well in the last tax bill and this tax bill to help in the area of refundability, and I compliment her for that, but this amendment goes too far because it provides a new entitlement with regard to the child credit.

The bill already provides \$95 billion for the child credit. That is the biggest part of this bill. It also includes acceleration of the child credit for low-income families, an issue of great importance to Senator LINCOLN as well.

The bill has a balance between spending and investment. The amendment cuts back significantly on the investment part, the partial dividend exclusion. I appreciate the Senator's efforts, but this amendment would gut our jobs bill.

The pending amendment offered by the Senator from Arkansas increases mandatory spending and, if adopted, would cause the underlying bill to exceed the committee's section 302(a) allocations. Therefore, I make a point of order against the amendment pursuant to section 302(f) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable section of that act for purposes of the pending amendment and for the 4.4 million children who will be covered by this amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—49

Akaka	Dorgan	Levin
Baucus	Durbin	Lieberman
Bayh	Edwards	Lincoln
Biden	Feingold	Mikulski
Bingaman	Feinstein	Murray
Boxer	Graham (FL)	Nelson (FL)
Breaux	Harkin	Nelson (NE)
Byrd	Hollings	Pryor
Campbell	Inouye	Reed
Cantwell	Jeffords	Reid
Carper	Johnson	Rockefeller
Clinton	Kennedy	Sarbanes
Conrad	Kerry	Schumer
Corzine	Kohl	Stabenow
Daschle	Landrieu	Wyden
Dayton	Lautenberg	
Dodd	Leahy	

NAYS—51

Alexander	Burns	Craig
Allard	Chafee	Crapo
Allen	Chambliss	DeWine
Bennett	Cochran	Dole
Bond	Coleman	Domenici
Brownback	Collins	Ensign
Bunning	Cornyn	Enzi

Fitzgerald	Lott	Shelby
Frist	Lugar	Smith
Graham (SC)	McCain	Snowe
Grassley	McConnell	Specter
Gregg	Miller	Stevens
Hagel	Murkowski	Sununu
Hatch	Nickles	Talent
Hutchison	Roberts	Thomas
Inhofe	Santorum	Voinovich
Kyl	Sessions	Warner

The PRESIDING OFFICER. On this question, the yeas are 49, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. GRASSLEY. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 577

The PRESIDING OFFICER. There are now 2 minutes evenly divided on the Cantwell amendment. The Senator from Washington.

Ms. CANTWELL. Mr. President, this amendment is offered by myself, the Senator from Florida, Senator NELSON, and Senator BAUCUS, to extend the research and development tax credit. What we are saying here today is we will implement a philosophy that has been a proven success in generating jobs in our economy, giving business the ability to deduct research and development costs in an information age when we know there are so many products and services yet to be created.

Since its enactment in 1981, the research tax credit has demonstrated it is a very powerful and effective tool for creating jobs. It should be no surprise to my colleagues that research estimates indicate that agreeing to this amendment could, in the next 5 years, increase our gross domestic product by over \$10 billion. There is no better stimulus.

We should make this investment. It is a bipartisan-supported effort, research and development tax credits. Compared to the other stimulus in this bill, this is the tried and true way for the American public. We know there is research and development in biotechnology, in computer sciences, medical research, and this will help us create jobs. I ask my colleagues for their support.

Mr. GRASSLEY. The R&D tax credit doesn't expire until June 30, 2004. That is more than 1 year away. The President has included permanent extension of R&D in his fiscal year 2004 budget. I want the people to know I am committed to extending the credit in subsequent legislation.

However, we have before us the amendment by Senator CANTWELL proposing striking the dividend exclusion in order to pay for the R&D extension. The exclusion for dividend income is a very significant piece of any jobs and growth plan—the President has it in his, obviously—even though in our bill it is scaled back some.

Finally, extension of this R&D credit is not germane to the jobs and growth

bill. I therefore raise a point of order under section 305(b)(2) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, under section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of the Act for consideration of the pending amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL, I announce that the Senator from Missouri (Mr. TALENT) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 50, as follows:

[Rollcall Vote No. 154 Leg.]

YEAS—49

Akaka	Durbin	Levin
Baucus	Edwards	Lieberman
Bayh	Feingold	Lincoln
Biden	Feinstein	Mikulski
Bingaman	Graham (FL)	Murray
Boxer	Harkin	Nelson (FL)
Breaux	Hatch	Nelson (NE)
Byrd	Hollings	Pryor
Cantwell	Inouye	Reed
Carper	Jeffords	Reid
Clinton	Johnson	Rockefeller
Conrad	Kennedy	Sarbanes
Corzine	Kerry	Schumer
Daschle	Kohl	Stabenow
Dayton	Landrieu	Wyden
Dodd	Lautenberg	
Dorgan	Leahy	

NAYS—50

Alexander	DeWine	McConnell
Allard	Dole	Miller
Allen	Domenici	Murkowski
Bennett	Ensign	Nickles
Bond	Enzi	Roberts
Brownback	Fitzgerald	Santorum
Bunning	Frist	Sessions
Burns	Graham (SC)	Shelby
Campbell	Grassley	Smith
Chafee	Gregg	Snowe
Chambliss	Hagel	Specter
Cochran	Hutchison	Stevens
Coleman	Inhofe	Sununu
Collins	Kyl	Thomas
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	McCain	

NOT VOTING—1

Talent

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRASSLEY. Mr. President, the leader asked me to remind everybody that starting right now the 10-minute rule for voting is going to be enforced because these votes are taking so long and we have so many more votes to go.

I have made the announcement, and I yield the floor.

AMENDMENT NO. 587

The PRESIDING OFFICER. There are now 2 minutes evenly divided on the Jeffords amendment.

Mr. JEFFORDS. Mr. President, this amendment accelerates the marriage penalty relief for low-income married couples who claim the earned-income tax credit. This marriage penalty relief was included in the 2001 tax bill but does not become fully effective until 2008. Other marriage penalty relief for the 2001 bill is accelerated as part of the bill under consideration today, but not the EITC marriage penalty relief.

A copy of the Washington Post editorial of today on this issue is on your desk.

The pending Senate bill accelerates the child tax credit for some in this group. But like the House version, it would provide no marriage penalty relief for EITC recipients who can face a particularly deep dip.

Considering that in this situation, and two single parents each with one child, each earning \$10,000, if they remain single, each receives about \$2,500. If they marry, their total tax benefit falls by more than \$1,000.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JEFFORDS. I urge you to look at the editorial at your desk.

Mr. GRASSLEY. Mr. President, I compliment Senator JEFFORDS for doing a lot of work in this area. I was able to work with him on the 2001 tax bill to accomplish lots of what he wanted to accomplish in the area of refundability. But what we have here is an example of going just a little bit further than we should. There is \$95 billion in this bill for children.

In addition, we accelerate the refundable child credit for low-income families, the exact group Senator JEFFORDS seeks to help.

I note also that there are some problems with the earned-income tax credit. It has 30-percent improper payments, according to the Treasury. That is \$10 billion a year of improper payments. The GAO lists this program on its high-risk list.

I think we are at a point where before we expand the earned-income tax credit we need to make sure it is reformed.

I haven't made a point of order yet, but I would like to make a point of order.

The pending amendment offered by the Senator from Vermont increases mandatory spending, if agreed to, and would cause the underlying bill to exceed the committee's section 302(a) allocations. Therefore, a point of order is raised against the amendment pursuant to section 302(f) of the Budget Act.

Mr. JEFFORDS. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act and the budget resolution for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 49, nays 51, as follows:

[Rollcall Vote No. 155 Leg.]

YEAS—49

Akaka	Dorgan	Levin
Baucus	Durbin	Lieberman
Bayh	Edwards	Lincoln
Biden	Feingold	Mikulski
Bingaman	Feinstein	Murray
Boxer	Graham (FL)	Nelson (FL)
Breaux	Harkin	Nelson (NE)
Byrd	Hollings	Pryor
Cantwell	Inouye	Reed
Carper	Jeffords	Reid
Clinton	Johnson	Rockefeller
Collins	Kennedy	Sarbanes
Conrad	Kerry	Schumer
Corzine	Kohl	Stabenow
Daschle	Landrieu	Stabenow
Dayton	Lautenberg	Wyden
Dodd	Leahy	

NAYS—51

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Ensign	Murkowski
Bennett	Enzi	Nickles
Bond	Fitzgerald	Roberts
Brownback	Frist	Santorum
Bunning	Graham (SC)	Sessions
Burns	Grassley	Shelby
Campbell	Gregg	Smith
Chafee	Hagel	Snowe
Chambliss	Hatch	Specter
Cochran	Hutchison	Stevens
Coleman	Inhofe	Sununu
Cornyn	Kyl	Talent
Craig	Lott	Thomas
Crapo	Lugar	Voinovich
DeWine	McCain	Warner

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). On this vote, the yeas are 49, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. GRASSLEY. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to set aside the Burns amendment No. 593 and proceed to the next amendment, which is my own amendment No. 594.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 594

Mr. GRASSLEY. Mr. President, I also ask unanimous consent to add the following people as cosponsors: Ms. COLLINS, Mr. THOMAS, Mr. BAUCUS, Mr. HARKIN, Mr. BINGAMAN, and Mr. CAMPBELL.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Now I can speak for 1 minute on my amendment.

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Mr. GRASSLEY. Mr. President, my amendment takes urgently needed steps to end Medicare's discrimination against rural States.

Doctors and hospitals in rural America provide some of the lowest cost, highest quality care in the country. Academics, researchers, and policy people know this, but Medicare does not know it.

This amendment changes that by fixing unfair payment formulas once and for all. Doctors, hospitals, home health agencies, and ambulances in rural communities can count on payment fairness from this day forward by adopting this amendment.

My fairness amendment is paid for by changes in other parts of the Medicare Program, and it is not offset by other parts of the tax provisions of this bill.

My amendment is a dose of common-sense medicine for Medicare in rural America.

One final word to cancer patients in Iowa and across the country regarding the AWP offset. I am going to work in conference and directly with the Secretary of HHS to ensure that seniors and their caregivers have adequate payment for, and continued access to, important cancer therapies.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I rise today to speak in favor of the Medicare amendments offered by both Senator GRASSLEY and Senator HARKIN.

Many of the provisions included in both amendments were part of legislation that Senator GRASSLEY and I offered last year. And many of the provisions were included in the Senate Rural Health Caucus bill, which I support. Several of these Medicare provisions in these amendments have also been recommended by the Medicare Payment Advisory Commission, which advises Congress on Medicare payment policy. And they have the support of the American Hospital Association. Taken together, these changes mean a lot to rural providers and, by extension, rural seniors. They represent a significant leveling of the Medicare reimbursement playing field that my colleagues and I have sought to address.

I would also like to add, however, that some of the offsets in the Grassley amendment have generated some controversy.

For example, the proposed changes to Medicare payment for Part B covered drugs are of great concern to many cancer patients and oncologists, among others.

Ideally, we would be legislating on these issues in the Finance Committee so that the committee has a chance to weigh in on these issues. But I believe that the changes on the whole are positive for the Medicare program, and so I intend to support both amendments.

Mr. President, I yield to the Senator from Iowa, Mr. HARKIN.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I am pleased to join the Senator from Iowa, Mr. GRASSLEY, as a cosponsor of his amendment.

As we all know, the reason this is so critical is that the health care system in rural America is collapsing. For too long the Medicare reimbursements to urban centers have eclipsed those to rural communities at such a rate that cities, towns, and villages throughout rural America are in a real health care crisis.

In our State of Iowa, low reimbursement rates mean we can't recruit and retain health care professionals. Every time a hospital in Iowa treats a Medicare patient, it loses money. That cost is shifted to small businesses, private insurance companies, private payers—in other words, Main Street, Iowa.

This amendment takes a giant step forward in fixing this problem and getting us on the path to making sure we in rural States have the same kind of reimbursements that people do in more urban areas. It would give rural providers and hospitals, and the communities they serve, the support they need and deserve.

I urge my colleagues to support its adoption.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Senator STEVENS be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 594.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Hawaii (Mr. INOUE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 86, nays 12, as follows:

[Rollcall Vote No. 156 Leg.]

YEAS—86

Akaka	Dayton	Landrieu
Alexander	DeWine	Leahy
Allard	Dodd	Levin
Allen	Dole	Lieberman
Baucus	Domenici	Lincoln
Bayh	Dorgan	Lott
Bennett	Durbin	Lugar
Biden	Edwards	McCain
Bingaman	Enzi	McConnell
Bond	Feingold	Mikulski
Breaux	Fitzgerald	Miller
Brownback	Frist	Murkowski
Bunning	Graham (FL)	Murray
Burns	Graham (SC)	Nelson (NE)
Campbell	Grassley	Nickles
Cantwell	Gregg	Pryor
Carper	Hagel	Reid
Chafee	Harkin	Roberts
Chambliss	Hatch	Rockefeller
Cochran	Hollings	Santorum
Coleman	Hutchison	Sessions
Collins	Inhofe	Shelby
Conrad	Jeffords	Smith
Cornyn	Johnson	Snowe
Craig	Kerry	Specter
Crapo	Kohl	Stabenow
Daschle	Kyl	

Stevens Talent Warner
Sununu Thomas Wyden

NAYS—12

Boxer Feinstein Reed
Clinton Kennedy Sarbanes
Corzine Lautenberg Schumer
Ensign Nelson (FL) Voinovich

NOT VOTING—2

Byrd Inouye

The amendment (No. 594) was agreed to.

Mr. GRASSLEY. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 595 WITHDRAWN

Mr. GRASSLEY. Mr. President, I move to set aside the Burns amendment so we can go to the Harkin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. BAUCUS. Mr. President, I ask unanimous consent the Harkin amendment be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 596

Mr. GRASSLEY. Mr. President, Senator COLLINS is ready to speak on her amendment.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the Collins amendment.

The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, this bipartisan amendment would provide \$20 billion in much needed fiscal aid to the States. Forty-nine States are struggling with budget deficits. This won't relieve them of the obligation to make painful budget choices, but it will recognize the difficult financial strains under which they are operating.

Half of the money would go for an increase in the FMAP rate under Medicaid. The other half would be used for a flexible grant program that would be allocated between the States and localities.

I yield the remainder of my time in favor of the amendment to the Senator from Nevada, if he wishes to speak.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I compliment the Senator from Maine for her vision in offering this amendment. The State of Nevada is one of the 49 States that is desperate for money. I think this amendment is one of the best we have had. Again, I compliment the Senator from Maine.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. REID. Mr. President, we yield back whatever time is left.

The PRESIDING OFFICER. Without objection, the opposition time is yielded back.

The question is on agreeing to the amendment.

The yeas and nays have previously been ordered.

The clerk will call the roll.
The bill clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Idaho (Mr. CRAIG) and the Senator from Alabama (Mr. Sessions) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 3, as follows:

[Rollcall Vote No. 157 Leg.]

YEAS—95

Akaka	Dodd	Lieberman
Alexander	Dole	Lincoln
Allard	Domenici	Lugar
Allen	Dorgan	McCain
Baucus	Durbin	McConnell
Bayh	Edwards	Mikulski
Bennett	Enzi	Miller
Biden	Feingold	Murkowski
Bingaman	Feinstein	Murray
Bond	Fitzgerald	Nelson (FL)
Boxer	Frist	Nelson (NE)
Breaux	Graham (FL)	Pryor
Brownback	Graham (SC)	Reed
Bunning	Grassley	Reid
Burns	Gregg	Roberts
Byrd	Hagel	Rockefeller
Campbell	Harkin	Santorum
Cantwell	Hatch	Sarbanes
Carper	Hollings	Schumer
Chafee	Hutchison	Shelby
Chambliss	Inhofe	Smith
Clinton	Inouye	Snowe
Cochran	Jeffords	Specter
Coleman	Johnston	Stabenow
Collins	Kennedy	Stevens
Conrad	Kerry	Sununu
Cornyn	Kohl	Talent
Corzine	Kyl	Thomas
Crapo	Landrieu	Voinovich
Daschle	Lautenberg	Warner
Dayton	Leahy	Wyden
DeWine	Levin	

NAYS—3

Ensign Lott Nickles

NOT VOTING—2

Craig Sessions

The amendment (No. 596) was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 564

Mr. BAUCUS. Mr. President, I ask unanimous consent that the next amendment we vote on be the Murray amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time? The Senator from Washington.

Mrs. MURRAY. Mr. President, the Senate has just taken a step in the right direction to address the economic crisis that is facing many of our States and communities by adopting the Collins-Rockefeller amendment. But I think all of us know our States are facing a very severe crisis; in fact, the most severe economic crisis since the Second World War. Many of our State legislatures are facing cuts in health care, education, and even law enforcement.

Our States are facing deficits as high as \$80 billion total, and we are very concerned because they are threatening to eliminate the health care coverage of more than 1.7 million Americans.

Today when health care is one of the most difficult decisions our State legis-

latures have to make, we need to take the next step so we do not lose more doctors, more hospitals; that patients do not see continuing increased costs to their health insurance; and we have Medicaid patients who are losing coverage.

My amendment takes the next critical step by providing \$40 billion for the relief package. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise in opposition to the amendment offered by the Senator from Washington. First, many priorities identified by Senator MURRAY have already been addressed in Senator COLLINS' amendment. Second, I consider \$40 billion for this amendment to be fiscally irresponsible. I do appreciate the needs for State fiscal relief, and that is why I supported Senator COLLINS' amendment. Therefore, I urge my colleagues to vote against this very costly amendment.

The amendment offered by the Senator from Washington increases mandatory spending and, if adopted, would cause the underlying bill to exceed the committee's section 302(a) allocation. Therefore, I raise a point of order under section 302(f) of the Budget Act.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, pursuant to section 904 of the Congressional Budget Act, I move to waive that act for the purposes of the pending amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 52, as follows:

The result was announced—yeas 47, nays 52, as follows:

[Rollcall Vote No. 158 Leg.]

YEAS—47

Akaka	Dorgan	Levin
Baucus	Durbin	Lieberman
Bayh	Edwards	Lincoln
Biden	Feingold	Mikulski
Bingaman	Feinstein	Murray
Boxer	Graham (FL)	Nelson (FL)
Breaux	Harkin	Nelson (NE)
Byrd	Hollings	Pryor
Cantwell	Jeffords	Reed
Carper	Johnson	Reid
Clinton	Kennedy	Rockefeller
Conrad	Kerry	Sarbanes
Corzine	Kohl	Schumer
Daschle	Landrieu	Stabenow
Dayton	Lautenberg	Wyden
Dodd	Leahy	

NAYS—52

Alexander	Bennett	Bunning
Allard	Bond	Burns
Allen	Brownback	Campbell

Chafee	Graham (SC)	Roberts
Chambliss	Grassley	Santorum
Cochran	Gregg	Sessions
Coleman	Hagel	Shelby
Collins	Hatch	Smith
Cornyn	Hutchison	Snowe
Craig	Inhofe	Specter
Crapo	Kyl	Stevens
DeWine	Lott	Sununu
Dole	Lugar	Talent
Domenici	McCain	Thomas
Ensign	McConnell	Thomas
Enzi	Miller	Voinovich
Fitzgerald	Murkowski	Warner
Frist	Nickles	

NOT VOTING—1

Inouye

The PRESIDING OFFICER. On this vote the yeas are 47, the nays are 52. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The majority leader.

Mr. FRIST. Mr. President, we have just finished our eleventh rollcall vote in a row, and that is substantial progress. We have been here since 9:15 this morning, and our goal was to address each of the amendments in a systematic way. I commend the Chair for addressing these amendments in a timely fashion. However, we still have a large number of amendments to dispose of. At this time, we are giving Senators a chance to catch their breath to go back to their offices, not for a long time but about 47 minutes, and maybe even grab a bite to eat. We will resume voting right at 2. Although we will not be voting over the next 45 minutes or so, it is my hope we will be able to proceed, which we will, to some opening statements on the bill that will follow completion of the jobs and growth package, and that is the global HIV/AIDS bill, which we will be bringing to the floor.

In order to complete the jobs and growth bill and the global HIV/AIDS bill, we are going to take advantage of this 45 minutes to make some introductory comments about the global AIDS package.

When the Senate resumes the jobs bill, we will automatically begin the voting sequence. The first vote in the series at 2 p.m. will be the normal 15 minutes. Following the first vote, the remaining votes will be 10 minutes. I say again that the voting limit will be strictly enforced to allow us to finish our business as early as possible today.

UNITED STATES LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA ACT OF 2003

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed, as under the order, to the consideration of H.R. 1298, until the hour of 2 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1298) to provide assistance to foreign countries to combat HIV/AIDS, tu-

berculosis, and malaria, and for other purposes.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, the first speaker on the global HIV/AIDS bill will be the chairman of the Foreign Relations Committee, Senator LUGAR, who has done yeoman's work in getting us to this point.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the Chair for the recognition, and likewise I appreciate the majority leader giving us this hour of debate, because today it is very important the Senate consider the global HIV/AIDS bill.

For the past year, intense discussions have occurred in Congress and between the executive and legislative branches on how our country can best respond to the global AIDS crisis.

In June 2002, the Foreign Relations Committee unanimously approved an HIV/AIDS bill, initially introduced by Senators FRIST and KERRY, with a large bipartisan group of co-sponsors. The Senate unanimously passed that bill. However, the House of Representatives failed to act on it before the end of the 107th Congress.

At the start of this Congress, the Foreign Relations Committee undertook at the request of the new majority leader to reintroduce the 2002 Senate-passed bill, with some minor changes requested by the Department of State. In addition, we revised portions of the bill to take account of the President's AIDS initiative outlined in his 2003 State of the Union Address.

The Committee's efforts, therefore, incorporated many of the modifications requested by the White House, including the addition of new authorities for the Special HIV/AIDS Coordinator created by our legislation last year and incorporated in the President's AIDS initiative this year.

Our efforts resulted in S. 1009, currently on the Senate calendar. Simultaneously, the House proceeded with its own bill to authorize the President's AIDS initiative. The House passed that bill last month, and it was placed on the Senate calendar.

Many Senators, including myself, come to this debate with preferences on how a bill should be structured on this subject. Nevertheless, I share the majority leader's hope that the Senate will move quickly to pass the House bill before us so that HIV/AIDS funding will not be delayed any further and so President Bush can have an AIDS initiative in hand when he travels to the G-8 summit later this month of May. The House passed their bill by a vote of 375 to 41. It is a good bill worthy of the strong bipartisan support that it received.

The United States must have partners in the effort to stop HIV/AIDS. Passage of this bill will maximize the President's ability to enlist other nations in the fight against AIDS. American leadership is as important as

American contributions to this objective.

We must be mindful of the President's recent observation that, "Time is not on our side," in combating this disease. The global HIV/AIDS pandemic is a humanitarian crisis of horrific proportions. In Africa, nearly 10,000 people contract the HIV virus each day. The United States has a clear moral obligation, as the most powerful nation on earth, to respond generously and quickly to this crisis.

But beyond our moral obligations, we should recognize that this bill is squarely in the self-interest of the United States and the American people. If we are to protect our national security and overcome terrorism, we must devote ourselves to strengthening democracy, building free markets, and encouraging civil society in nations that otherwise might become havens or breeding grounds for terrorists. We must seek to encourage societies that can nurture and fulfill the aspirations of their citizens and deny terrorists the uncontrolled territory and abject poverty in which they thrive.

Few conditions do more harm to these objectives than the HIV/AIDS pandemic. It has imposed a crushing burden on the economies of numerous African nations; it has exacerbated undercurrents of political instability that weaken the fundamentals of responsible government; and it has destroyed millions of family units. Beyond the sick and the dead, the disease has created a generation of orphans, whose prospects for a fulfilling and productive life have been diminished by the loss of parents and other family members.

The President has recognized the urgency of moving forward at this moment in history and has announced his support very solidly. He believes we need to fulfill our altruistic role in the world and to protect U.S. national security. We must join him in this effort by passing the bill before us.

The House bill would authorize the President's Emergency Plan for HIV/AIDS Relief. This plan would provide \$15 billion over the next 5 years for AIDS care, treatment and prevention in those countries already facing an AIDS crisis and in those countries that have experienced a dramatic increase in the disease.

The bill would establish the position of Coordinator for HIV/AIDS to ensure an effective approach by the various agencies of the U.S. Government involved in combating the global spread of AIDS.

The bill also would provide the President with the discretion to devote up to \$1 billion a year for the Global Fund to Fight AIDS, Tuberculosis, and Malaria. In an effort to generate foreign contributions to the global fund, the bill sets a ceiling for American contributions at one-third of total contributions. In other words, we hope to stimulate at least \$2 in foreign contributions to the global fund for each